

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MORGAN STANLEY DEAN WITTER & CO.,

Plaintiff,

-against-

BRIAN J. POWERS and
RACHEL DORFMAN POWERS,

Defendants.

ORDER

Adopting Report &
Recommendation (doc. #37)
01-CV-7389 (DRH)(WDW)

HURLEY, Senior District Judge:

On July 28, 2005, this Court granted Plaintiff's motion for an entry of default judgment (doc. #34) against Defendants Brian J. Powers and Rachel Dorfman Powers and, pursuant to 28 U.S.C. § 636(b)(3), referred the case to United States Magistrate Judge William D. Wall for a report and recommendation as to damages and attorney's fees. On May 15, 2006, Judge Wall issued a Report and Recommendation in this case (doc. #37), recommending that Plaintiff be awarded: (1) \$50,000.00 in damages; (2) post-judgment interest; and (3) the costs of the action pursuant to Federal Rule of Civil Procedure 54(d)(1). On June 7, 2006, Plaintiff served Defendant with a copy of the Report and Recommendation. To date, no objections to the Report and Recommendation have been filed.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed for clear error the Report and Recommendation of Judge Wall. The Court finds no such error; further, it concurs in both the reasoning of and result of the Report and

Recommendation. Accordingly, this Court adopts the May 15, 2006 Report and Recommendation of Judge Wall as if set forth herein. Thus:

- (1) Plaintiff is awarded \$50,000.00;
- (2) The Court sets post-judgment interest at 9% per annum; and
- (3) Plaintiff has thirty (30) days from the date of this Order to submit a bill of costs to the Clerk of Court.

Upon entry of judgment, the Clerk of Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
November 29, 2006

/s/ _____
Denis R. Hurley,
Senior United States District Judge